

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
STEWART ALLEN

Docket No. 08CV02405(JES)

Plaintiff,

**VERIFIED ANSWER TO
COMPLAINT**

-against-

JET ONE JETS, INC.

Defendant.
-----X

Defendant, JET ONE JETS, INC., by its attorney, MICHAEL G. LoRUSSO,
ESQ. , answers the Complaint of the Plaintiff by stating as follows:

1. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph "1".
2. Admits the allegation set forth in paragraph "2".
3. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph "3".
4. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph "4".
5. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph "5".
6. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph "6".
7. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph "7".

8. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph “8”.

9. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph “9”.

10. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph “10”.

11. Responds to paragraph “11” of the Complaint by repeating, reiterating, realleging all responses given to the paragraphs referred to therein with the same force and effect as if herein set forth at length.

12. Denies, upon information and belief, the allegations of paragraph “12”.

13. Denies, upon information and belief, the allegations of paragraph “13”.

14. Denies, upon information and belief, the allegations of paragraph “14”.

15. Denies, upon information and belief, the allegations of paragraph “15”.

16. Responds to paragraph “16” of the Complaint by repeating, reiterating, realleging all responses given to the paragraphs referred to therein with the same force and effect as if herein set forth at length.

17. Denies, upon information and belief, the allegations of paragraph “17”.

18. Denies, upon information and belief, the allegations of paragraph “18”.

19. Denies, upon information and belief, the allegations of paragraph “19”.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE THIS ANSWERING
DEFENDANT ALLEGES AS FOLLOWS:**

20. That this Court has not acquired personal jurisdiction over the person of this answering Defendant due to improper service.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE THIS ANSWERING
DEFENDANT ALLEGES AS FOLLOWS:**

21. The action was not commenced in the time specified under the Statute of Limitations.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE THIS ANSWERING
DEFENDANT ALLEGES AS FOLLOWS:**

22. Upon information and belief the causes of action alleged in the Complaint of the Plaintiff fail to properly state, specify, or allege a cause of action on which relief can be granted as a matter of law.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE THIS
ANSWERING DEFENDANT ALLEGES AS FOLLOWS:**

23. That if it is determined that this answering Defendant is responsible for the acts alleged in the Complaint then Plaintiff failed to take appropriate action to mitigate damages.

WHEREFORE, this Defendant demands judgments dismissing the Complaint, together with costs and disbursements of this action, together with any such further relief as this Court may deem just and proper.

Dated: Syosset, New York
March 25, 2008

_____/S/
MICHAEL G. LoRUSSO, ESQ.
Attorney for Defendant
316 Jackson Avenue
Syosset, New York 11791
516-921-4305

To: HAUSER & ASSOCIATES, PC
Attorney for Plaintiff
591 Broadway, Suite 3A
New York, NY 10012
212-966-5253

VERIFICATION

STATE OF NEW YORK }
 }
COUNTY OF NASSAU } SS:

I, ANTHONY OTTIMO, being duly sworn, deposes and says:

I am the President of JET ONE JETS, INC., the defendant in the within action;

I have ready the foregoing ANSWER and know the contents thereof; the same if true to my knowledge, except as to the matters therein stated to be alleged on information and belief and as to those matters I believe to be true.

/S/

ANTHONY OTTIMO

Sworn to before me this
25th day of March, 2008.

/S/
Notary Public

AFFIDAVIT OF SERVICE

STATE OF NEW YORK }
 }
COUNTY OF NASSAU } SS:

CELIA NASCIMENTO, being duly sworn deposes and says:

That deponent is not a party to the action, is over 18 years of age and resides in Suffolk County, New York.

That on the 9th day of April, 2008, deponent served the within **VERIFIED ANSWER** on the below-listed parties, at the address designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in a post office official depository under the exclusive care and custody of the United States Postal Service within New York State.

TO: HAUSER & ASSOCIATES, PC
 Attorney for Plaintiff
 591 Broadway, Suite 3A
 New York, NY 10012

/S/
CELIA NASCIMENTO

Sworn to before me this
9th day of April, 2008.

/S/
Notary Public

Case No: 08 CV 02405
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STEWART E. ALLEN,

Plaintiff(s),

-against-

JET ONE JETS, INC.,

Defendant(s).

VERIFIED ANSWER

MICHAEL G. LoRUSSO, ESQ.

Attorney for Defendants
316 Jackson Avenue
Syosset, NY 11791
516-921-4305
Fax 516-921-0729

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney duly admitted to practice in the court of New York State, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.41-a.

Dated: March 25, 2008

Signature: _____

/S/

MICHAEL G. LoRUSSO, ESQ.

Service of a copy of the within

is hereby admitted.

Dated: _____

Attorney for

PLEASE TAKE NOTICE

☐
Notice of
Entry

that the within is a (certified) true copy of a
entered in the office of the clerk of the within-named Court on 20

☐
Notice of
Settlement

that an Order of which the within is a true copy will be presented for
settlement to the Hon. _____, one of the judges of the within-named
Court at
On 20 , at M.

Dated:

MICHAEL G. LoRUSSO, ESQ.

Attorney for Defendants
316 Jackson Avenue
Syosset, NY 11791
516-921-4305
Fax 516-921-0729